

**PATENT**

Appellants: Michael P. Schoemann et al.  
Serial No.: 10/709,382  
Filed: April 30, 2004  
Art Unit: 3612  
Examiner: Kiran B. Patel  
Title: DOOR TRIM PANEL WITH DUAL DENSITY BOLSTER ARMREST  
AND INTEGRATED COMPONENTS  
Confirmation No.: 3381  
Atty. Docket No.: MASL-37

Cincinnati, OH 45202

August 31, 2006

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL OF SECOND APPEAL BRIEF (37 CFR § 41.37)**

1. Transmitted herewith is a SECOND APPEAL BRIEF in this application with respect to the Notice of Appeal filed on June 23, 2006.

**2. STATUS OF APPLICANT**

☒ other than a small entity  
☐ small entity

**3. FEE FOR FILING APPEAL BRIEF**

Pursuant to 37 CFR 41.20(b)(2) the fee for filing the Appeal Brief is:

<input type="checkbox"/> small entity	\$250.00
<input checked="" type="checkbox"/> other than small entity	\$500.00

Appeal Brief fee due \$0.00  
(See Remarks)

#### 4. EXTENSION OF TIME

Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Fee for Extension of:	other than <u>small entity</u>	Fee for <u>small entity</u>
<u>  X  </u>	one month	\$ 120.00	\$ 60.00
<u>      </u>	two months	\$ 450.00	\$225.00
<u>      </u>	three months	\$ 1,020.00	\$510.00
<u>      </u>	four months	\$1,590.00	\$795.00

Fee: \$ 120.00

If an extension of time is required please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- [ ] An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

or

- (b) [ ] Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 5. TOTAL FEE DUE

The total fee due is:

Appeal Brief fee:	<u>\$ 0.00</u>
Extension fee (if any):	<u>\$120.00</u>
<b>Total Fee Due:</b>	<b><u>\$120.00</u></b>

#### 6. FEE PAYMENT

- [ ] Attached is a check in the sum of \$ \_\_\_\_\_
- [ ] Charge Account No. 23-3000 the sum of \$\_\_\_\_\_, a duplicate of this transmittal is attached.
- [X] Charge Credit Card.

7. **FEE DEFICIENCY**

☒ [X ] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 23-3000.

**and/or**

☒ [X] If any additional fee for claims is required, charge Account No. 23-3000.

**REMARKS**

Applicants respectfully submit this Second Appeal Brief. Applicants believe there is no fee due as a result of this Second Appeal Brief other than a one-month extension fee. The Examiner issued a final Office Action on October 13, 2005. Applicants filed a timely Notice of Appeal on January 9, 2006 and subsequently filed a timely Appeal Brief on March 8, 2006, including the required fee under 37 C.F.R. § 41.37. However, the Examiner reopened prosecution and issued a non-final Office Action on March 27, 2006. Applicants have appealed from this non-final Office Action, by filing a Second Notice of Appeal on June 23, 2006. Because the Board did not render a decision in the first appeal, the fee paid on March 8, 2006 may be applied to the Second Appeal Brief. *Rules of Practice Before the Board of Patent Appeals and Interferences*, 69 Fed. Reg. 49959, 49975 (August 12, 2004) (final rule). Therefore, the fee for this second appeal brief has been paid. Nevertheless, if a petition is due or any fees

are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/

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